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THOMAS THOMPSON
92-543 KOKOLE PLACE
MAKAKICO HI 96707

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OFFICE OF PETITIONS

In re Application of
Thompson
Application No. 09/396,128
Filed: September 14, 1999
Attorney Docket No. N/A
For: HURRICANE-EARTHQUAKE FRIEZE
PLATE

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 26, 2004 (certificate of mailing date November 22, 2004), to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **granted**.

A non-final Office action was mailed on June 26, 2002, which set an extendable 3 month period for reply. Petitioner filed an amendment with a one month extension of time on November 4, 2002 (certificate of mailing date October 26, 2002). The above-identified application became abandoned for failure to timely submit a reply to the letter of Informality Re Payment of Fee, mailed November 21, 2002, which required applicant to submit \$114 in excess claim fees owed within the original period set in the June 26, 2002 non-final Office action or within one month of the mail date of the November 21, 2002 letter, whichever was longer. A reply was received on February 5, 2003, but the reply was untimely. This application became abandoned on December 22, 2002. A Notice of Abandonment was mailed on March 12, 2003. Applicant's first petition to withdraw the holding of abandonment, filed August 14, 2003 and supplemented on October 19, 2003, was dismissed on April 27, 2004. Applicant's second petition to withdraw the holding of abandonment, filed May 5, 2004, was dismissed on June 2, 2004. Applicant's petition to revive under 37 CFR 1.137(a), filed May 10, 2004 (certificate of mailing date May 5, 2004), was dismissed on July 14, 2004 for failure to show the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable. Applicant's first petition to revive under 37 CFR 1.137(b), filed August 23, 2004, was dismissed on September 22, 2004 for failure to submit a proper reply.

Petitioner has submitted the \$114 in excess claim fees that were due when the additional claims were presented, the petition fee, and an acceptable statement regarding the unintentional nature of the delay in responding to the letter of Informality Re Payment of Fee, mailed November 21, 2002.

The petition is granted. The request for refund of the excess claim fees and petition fee have been addressed in the September 22, 2004 decision on petition. Neither amount will be refunded.

After this decision is mailed, the application will be forwarded to Technology Center GAU 3637 for consideration of the amendment filed on February 5, 2003, which is purportedly a copy of the correspondence filed on November 4, 2002.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script, reading "E. Shirene Willis".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions